

COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission

Government Center South
402 West Washington Street
Indianapolis, Indiana 46204
Conference Room B

January 3, 2007

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman David Hannum at 9:05 am, January 3, 2007.

- a. The following Commissioners were present at the Commission meeting:

Michael Christoffersen
Michael Corey
Howard W. Cundiff, Vice-Chairman, representing the Commissioner, Department of Health
David Hannum, Chairman
John Hawkins
M. Burke Jones
Ted Ogle

- b. The following Commissioners were not present at the Commission meeting:

Diana Brenner
Kevin Goeden, representing the Commissioner, Department of Labor
Jay Gore
James Ridley

- c. The following departmental and support staff were present during the meeting:

- (1) Agency Support Services, Legal and Code Services
Mara Snyder, Director, Legal and Code Services
William Teeguarden, Executive Administrative Law Judge
Robert Robinson, Code Specialist
Raleigh Kouns, Code Specialist
John Haines, Code Specialist
John Hibner, Code Specialist
Beth Sutor, Secretary
 - (2) James Hawkins for Richelle Wakefield, Director, Building Code Enforcement
 - (3) James Schmidt, Counsel for the Commission, Deputy Attorney General

2. **Old Business.**

Chairman David Hannum called for any corrections or a motion to approve the minutes of the December 5, 2006 meeting. It was noted that a typographical error appeared in the last item on the last page (the time was missing a digit). A motion to approve the minutes as corrected was then made by Commissioner Christoffersen and seconded by Commissioner Hawkins. It was voted upon and carried.

3. **Ordinances.**

James Hawkins, representing Richelle Wakefield, Director, Fire and Building Code Enforcement, introduced the proposed ordinances and recommended approval. The following ordinances were presented;

Building Ordinance No. G-06-34
Georgetown, Indiana

Building Ordinance
Washington County, Indiana

Building Ordinance Amendment No. 19-2006
Hagerstown, Indiana

Mooreland Building Code No. 6 (12-18-2006)
Mooreland, Indiana

Commissioner Hawkins made the motion to approve, with the second being made by Commissioner Ogle. It was voted upon and carried.

4. **Variances.**

Chairman Hannum noted that Ralph Gerdes, Ralph Gerdes Consultants, was unable to attend and had asked that Variances 06-08-18(a)(b) Frank E. Irish, Indianapolis, 07-01-11 Festool USA, Lebanon, 07-01-13(b) Bishop Chatard High School, Indianapolis, 07-01-15 Creston Middle School Addition and Renovation, and Administrative Cause No. 06-36 Parker Building be tabled for one month. Commissioner Cundiff moved to table with the second by Commissioner Ogle. It was voted upon and carried. It was noted that the staff rating for 07-01-17 Northview High School Hose Removal, Brazil, and 07-01-25 Youth Center Addition to Lakeview Wesleyan Church, Marion, should be a "B" and eligible for the block vote. Chairman Hannum then asked for any variances recommended by staff as "A" or "B" to be called out for individual consideration. None was called out, and Commissioner Jones moved to approve all variances with an "A" or "B" review rating by staff. The second was made by Commissioner Ogle. The motion was voted upon and carried.

The following variances were approved as submitted:

- (1) 07-01-2 Bonn Building Saxony Village, Fishers
- (2) 07-01-10(a)(b)(c) Eli Lilly Building K110 Wing D Floor Infill, Indianapolis
- (3) 07-01-12 Brookview Glen, New Albany
- (4) 07-01-13(a) Bishop Chatard High School Auxiliary Gym, Indianapolis
- (5) 07-01-14 Stonybrook Middle School, Indianapolis
- (6) 07-01-16(a)(b) Woodview Assisted Living, Ft. Wayne
- (7) 07-01-17 Northview High School Hose Removal, Brazil
- (8) 07-01-20 Coventry Meadows Assisted Living, Ft. Wayne
- (9) 07-01-21 Hartsfield Village, Munster
- (10) 07-01-22 Hiron & Company Building Renovation, Indianapolis
- (11) 07-01-24 Louis Dryfus Soybean Processing, Claypool
- (12) 07-01-25 Youth Center Addition to Lakeview Wesleyan Church, Marion
- (13) 07-01-28(b)(e) Lawton Loop Condominiums, Brooks Building, Indianapolis
- (14) 07-01-29(b) Lawton Loop Condominiums, Mooreshead Building, Indianapolis
- (15) 07-01-30 White County Memorial Hospital Replacement Hospital, Monticello
- (16) 07-01-31 Sam's Club, Indianapolis
- (17) 07-01-32 Ft. Wayne Newspapers, Ft. Wayne
- (18) 07-01-33 Plainfield High School, Plainfield
- (19) 07-01-35 St. Elizabeth Parish Expansion & Renovation, Ft. Wayne
- (20) 07-01-36 Shipshewana Town Center, Shipshewana
- (21) 07-01-37 Shipshewana Focus Hotel, Shipshewana

Tabled Variances.

Variance 06-12-45 Window Modification Homestead School Apartments, Greendale, was represented by owner Dr.

Harvinder Gill. The school had been converted to apartments fifteen years earlier without being filed with the State. Issues cited during an inspection eventually evolved into litigation, and the judge had ruled Dr. Gill was to install egress windows which complied with code within 90 days or, if he applied for a variance, within whatever additional time the Commission granted. After a lengthy discussion which included a presentation by Al Putnam, the local building official, Commissioner Jones moved to grant 120 days for compliance. Commissioner Ogle made the second. It was voted upon and carried with one nay vote.

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Regular Variances.

The following variances were heard separately:

- (22) 07-01-1 St. Joseph's Parish Center, Jasper

Brett Stenftenagel, contractor, spoke as proponent. His request was to be allowed to use non-rated door frames which have been treated with flame-retardant at the factor but which did not come with labels. The frames were thought to comply when ordered and installed in the exit enclosure of the sprinklered building, but were found to actually be non-compliant. Information on the frame treatment was provided by the manufacturer. After discussion, Commissioner Christoffersen moved to approve and the second was made by Commissioner Ogle. It was voted upon and carried.

- (23) 07-01-3(a)(b) Martin Development - 323 Main Street Building, Evansville

The project architect, H. William Gaisser, spoke as proponent. He requested that (b) be withdrawn. He then requested that the required second exit stairway be omitted, offering an area of refuge at each level, with a smoke detection and fire alarm system. After discussion, Commissioner Cundiff moved to approve, and Commissioner Ogle made the second. It was voted upon and carried.

- (24) 07-01-4 The Greater Mount Ararat Church – Panic Hardware for Sanctuary, Ft. Wayne

No one appeared as proponent. Commissioner Christoffersen moved to table. Commissioner Corey made the second. It was voted upon and carried.

- (25) 07-01-5 Mid-America Windmill Museum, Kendallville

It was noted that the staff report declared no variance was required since there was no violation based on information supplied in the application. After discussion, Commissioner Christoffersen moved that no variance was required. It was seconded by Commissioner Ogle, voted upon, and carried.

- (26) 07-01-6 Architectural Glass & Metal Storage Addition, Indianapolis

Michael Balay, proponent, requested the variance be tabled prior to the Commission meeting. Commissioner Hawkins moved to table with the second by Commissioner Christoffersen. It was voted upon and carried.

- (27) 07-01-7 Riverside Recycling, New Albany

John Weesner, Weesner's Code Solutions, spoke as proponent. The request was to be allowed to attach the addition to a different building which already has a variance for the deletion of sprinklers. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

- (28) 07-01-8 A & J Proposed Woodworking Facility, Goshen

Paul Kimmerle, Kimmerle Engineering, spoke as proponent. The request was to delete the sprinkler system with the use of a dust collection system in the rural building which is not served

by city water. The building is well separated from other buildings, has only four employees, and complies with Elkhart County restrictions. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Jones. It was voted upon and carried

5. Breaking and Reconvening. Chairman Hannum recessed the Commission at 9:58 am. After a short break, the Chairman reconvened the meeting at 10:18 am.

- (29) 07-01-9 University Hospital Cancer Hospital Addition, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The Gen2 elevator being installed will comply with all requirements of the 2005 supplement except the ladder rung requirement. After discussion and confirmation that the special testing tool will be provided, Commissioner Corey moved to approve and Commissioner Christoffersen made the second. It was voted upon and carried.

- (30) 07-01-18 Fathers and Families Center, Indianapolis

It was noted that the staff review said no variance was required. Commissioner Corey moved that no variance was required with the second by Commissioner Ogle. It was voted upon and carried.

- (31) 07-01-19(a)(b) Sherman Forest East, Indianapolis

No proponent appeared to represent the variance. Adam Holman, Indianapolis Department of Metropolitan Development, advised the Commission that he had received an email from Robert Overton, the proponent, saying the variance would be heard in February. Commissioner Ogle then moved to table with the second by Commissioner Christoffersen. It was voted upon and carried.

- (32) 07-01-23 7PA T1 Ozburn Hessey Logistics, Plainfield

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow an increase travel distance to toilet facilities in the building. The occupants affected are, for the most part, operating motorized equipment and would not be adversely affected by the increase. Commissioner Cundiff moved to approve and Commissioner Christoffersen made the second. It was voted upon and carried.

- (33) 07-01-26 University of Evansville University Center, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit fireproofing on some of the structural steel elements and six columns on the second floor. The building will be sprinklered throughout with increased density protecting the floor below unprotected steel, and compliance with NFPA 15 for column protection. After discussion, Commissioner Hawkins moved to approve with the second by Commissioner Cundiff. It was voted upon and carried.

- (34) 07-01-27 Meridian at 21, Indianapolis

Ed Rensink, RTM Consultants, spoke as the proponent. The office buildings are being converted to condominiums, and the stairway between the buildings will be serving as the exit stairway for those units which require a second exit. The rise and run of the stairway does not comply with requirements for multiple-unit use, though it is not the main stairway. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried with one nay vote.

- (35) 07-01-28(a)(c)(d) Lawton Loop Condominiums Brooks Building, Indianapolis

- (36) 07-01-29(a)(c) Lawton Loop Condominiums Mooreshead Building, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. He explained that the buildings were old Army barracks being converted to condominiums under the 1998 Building Code, and that there are fire-rating issues concerning elements which are not of 1-hour construction or cannot be tested to determine rating found in both variances. Floor assemblies will have 1" gypsum board beneath, and will have triple wood floors. Rated floor assemblies and 1-hour walls will replace draft stops missing in floor cavities in line with the tenant walls in the Brooks Building. Exit

balconies will be upgraded to 1-hour construction as required. After further discussion, Commissioner Cundiff moved to approve all variances in 07-01-28 and 07-01-29 with the condition that the Homeowner Association and the individual homeowners be notified in writing of the variances and Commission actions, and that proof of these notifications be submitted to the staff. Commissioner Christoffersen made the second. It was voted upon and carried.

(37) 07-01-34(a)(b) Howard Regional Health Systems, Kokomo

Jeff Peterson and Benjamin Elfreich, Kone, Inc, spoke as proponents. In variance (a) the elevator being installed will have a control room in the machine-room-less unit. After discussion, Commissioner Corey moved to approve with the second by Commissioner Jones. It was voted upon and carried. In variance (b) the platform is not compliant with accessibility sizing of the platform for the Indiana code, but does meet the ADA requirements. After discussion, Commissioner Christoffersen moved to approve with the second by Commissioner Hawkins. It was voted upon and carried.

6. **Possible Commission Action**

Miller Poultry
Challenge to Jurisdiction
Administrative Cause No. 05-47
Consideration of Report Findings of Fact and Nonfinal Order of
Administrative Law Judge, Objections Filed by the Agency, Letter
And Brief Filed by Miller Poultry, and Brief Filed in Support of the
Objections by the Agency

Chairman Hannum asked James Schmidt, counsel for the Commission, to explain the options available to the members of the Commission in dealing with this item, and to help the members discuss the setting of precedents.

A lengthy discussion of the definition of “animal husbandry” and a lengthy discussion of what part processing chicken carcasses plays in determining if a building is eligible for an agricultural exemption was held. The general consensus of the Commission was that they did not agree with the position put forward by the Administrative Law Judge. Commissioner Cundiff moved that the two parties were to submit language to be used in the final document by February 16, 2007, with the second by Commissioner Ogle. It was voted upon and carried.

7. **Discussion and Commission Action.**

D & K Fireworks and Ice Man
Order – Hartford City Fire Department
Administrative Cause No. 06-42
Nonfinal Order of Dismissal

East Noble High School
Order – Fire and Building Code Enforcement
Administrative Cause No. 06-30
Nonfinal Order of Dismissal

Ultimate Place 2B
Order – State Fire Marshal
Administrative Cause No. 06-38
Nonfinal Order of Dismissal

Commissioner Christoffersen moved to approve the above-mentioned Nonfinal Orders of Dismissal. Commissioner Cundiff made the second. It was voted upon and carried.

David Foster
Order – Elevator Safety Division
Administrative Cause No. 06-32

Notice of Filing Report, Findings of Fact and
Nonfinal Order of Administrative Law Judge

It was decided to table the discussion to ensure that the petitioner had not filed a timely appeal. Commissioner Ogle made the motion to table and Commissioner Jones made the second. It was voted upon and carried.

8. **New Business – General.**

Discussion and Commission Action On Petitions For Review

Castleview Baptist church
Order – Elevator Division

Hendricks Regional Health
Order – State Fire Marshal

Commissioner Cundiff moved to grant the Petitions for Review. Commissioner Hawkins made the second. It was voted upon and carried.

9. **Scanning Project**

Mara Snyder, Director of Code and Legal Services, led a discussion among the members of the Commission concerning the proposed project to scan variance applications and supporting documents and make them available on the web site. It was noted that while scanning made the information easily available to the public in general, a paper version of the variances should be in place for the Commission meeting for the use of the Commissioners. It was decided to continue to gather information on the project.

10. **Comments.**

Mara Snyder, Director of Code and Legal Services, explained that the ThyssenKrupp document had been verbally withdrawn. The information had been included in their packets to make them aware that it had been received and, should it have been on the agenda, it would have been timely filed. The Building and Fire Code committees are to meet jointly on January 23, 2007 in Conference Center Rooms 4 and 5, and all are invited to attend. Commissioner Christoffersen noted the next and final meeting of the Residential Code committee would be February 14, 2007, and they hope to bring to the Commission their final document. Commissioner Corey asked about the adoption of the 2005 supplement to the Elevator Code which deals with machine-room-less elevators. A short discussion of the economic impact study requirements was held.

11. **Adjournment.**

Commissioner Hannum called for further business. There being none, he adjourned the meeting at 12:27 p.m.

APPROVED

David Hannum, Chairman